

**REMARKS**

Applicants resubmit the "Amendment In Reply to Final Office Action" filed on October 8, 2009 in response to the Notice of Non-Compliant Amendment dated October 22, 2009 (hereinafter "Notice"). The Examiner said on November 9, 2009 that the Notice of Non-Compliant Amendment was issued in "error" and should be "withdrawn." Contrary to the checked box on the Notice, the amendment of October 8, 2009 does include status identifiers for the claims. Applicants thus request the Notice be withdrawn. In any case, the following is a re-submission of the Amendment to Final Office Action filed on October 8, 2009.

At the outset, Applicants respectfully submit that the Examiner failed to address at least claims 2-6, 8, 11, 12, 15, 19, and 20 in the Final Office Action mailed July 8, 2009. By failing to address these claims whatsoever, the Examiner has violated 35 U.S.C. § 132, which provides, in relevant part, that "whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Commissioner shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application." A claim rejection violates 35 U.S.C. § 132 if it "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 906 F.2d 1574, 1578, 15 USPQ2d 1333, 1337 (Fed. Cir. 1990). For at least this reason, the finality of the instant Office Action should be withdrawn. Moreover, Applicants respectfully request that the Examiner make the record clear regarding the status of claims 2-6, 8, 11, 12, 15, 19, and 20 and provide reasons for the rejections.

**Summary of Rejections**

The Examiner rejected claims 1, 10, 14, 16, 18, and 21-26 under 35 U.S.C. §102(e) as

anticipated by U.S. Patent No. 6,760,444 to Leung et al. (Leung) and rejected claims 7 and 17 under 35 U.S.C. §103(a) as unpatentable over Leung in view of Official Notice.

### **Summary of Amendments**

By this amendment, Applicants amend claims 3, 12, 15, 16, 21, 24, and 26 to more clearly define the features of those claims and amend claim 10 to improve form.

Claims 1-8, 10-12, and 14-26 are pending.

### **Rejections under 35 U.S.C. §102**

The Examiner rejected claims 1, 10, 14, 16, 18, and 21-26 under 35 U.S.C. §102(e) as anticipated by Leung. Applicants respectfully traverse this rejection.

Claim 1 recites, among other things, the following feature: “at least one management client configured to issue, in response to communication received at said application device from a user equipment via a session key management protocol, **security association management requests to create and manage**, with said session key management protocol, security associations for use by said provided internet protocol security services, said at least one management client deployed in said application device.” Emphasis added.

In contrast, Leung discloses a centralized database for storing security authorizations. Home agents may access the centralized database to acquire security authorizations for authorizing mobile nodes. Specifically, Leung states:

During the registration process, the mobile node first constructs a registration request including an authenticator and send the registration request to the Home Agent at step 708. The Home Agent then identifies the mobile node and determines which server handles security associations for that mobile node at step 710... At step 714, the server receives the packet identifying the mobile node (e.g. an authorization request packet) from the Home Agent. It then obtains a security association for the mobile node identified in this packet. By way of example, the security association may be obtained from a security association table.

Leung, col. 7, lines 11-14 and lines 33-38. The Examiner alleges that the registration requests sent by the mobile node correspond to security association management requests to create and manage security associations as recited in claim 1. Applicants disagree for at least the reasons given below.

The registration requests of Leung merely allow a Home Agent to access, but not create or manage security associations. When the mobile node of Leung sends a registration request, the Home Agent is able to access a security association in a centralized server. Thus, the registration requests sent by a mobile node of Leung are merely used to access a security association in order to authenticate a mobile node. The Leung requests clearly do not allow a mobile node to create and manage security associations as recited in claim 1. Therefore, Leung fails to disclose or suggest at least the following feature of claim 1: "at least one management client configured to issue, in response to communication received at said application device from a user equipment via a session key management protocol, security association management requests to create and manage, with said session key management protocol, security associations for use by said provided internet protocol security services, said at least one management client deployed in said application device." As such, claim 1 is not anticipated by Leung and the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn.

Independent claims 10, 14, 16, 18, and 21-26 while of different scope, include similar features as noted above with respect to claim 1. For at least the reasons noted above with respect to claim 1, independent claims 10, 14, 16, 18, and 21-26 as well as claims 2-8, 11, 12, 15, 19, and 20 at least by reason of their dependency, are not anticipated by Leung, and the rejection of those claims under 35 U.S.C. §102(e) should be withdrawn.

Regarding claim 3, as noted above, Leung does not teach managing or creating security

associations but instead merely accesses security associations. Because Leung merely discloses accessing security associations, Leung certainly does not teach “wherein said security association management requests to create and manage comprise at least one of adding requests configured to add security associations, deleting requests configured to delete security associations, and querying requests configured to query about security associations,” as recited in claim 3. Therefore, claim 3 is not anticipated by Leung for this additional reason.

### **Rejections under 35 U.S.C. §103**

The Examiner rejected claims 7 and 17 under 35 U.S.C. §103(a) as unpatentable over Leung in view of Official Notice. Applicants respectfully traverse this rejection.<sup>1</sup>

Claim 7 depends from claim 1 and includes all the features recited therein including, among other things, “at least one management client configured to issue, in response to communication received at said application device from a user equipment via a session key management protocol, security association management requests to create and manage, with said session key management protocol, security associations for use by said provided internet protocol security services, said at least one management client deployed in said application device.” Claim 17, although of different scope, includes a similar feature. For at least the reasons noted above, Leung fails to disclose this feature, and the Examiner’s taking of Office Notice does not cure the deficiencies of Leung. Therefore, claims 7 and 17 are allowable over Leung and Official Notice, whether taken alone or in combination, and the rejection of claims 7 and 17 under 35 U.S.C. §103(a) should be withdrawn.

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<sup>1</sup> Applicants note that page 8 of the Office Action lists claim 17 in the rejection and claim 7 in the remarks. To expedite prosecution, Applicants assume the Examiner meant to reject both claims 7 and 17. However, Applicants request that the Examiner make the record clear and correct this inconsistency.

Moreover, claim 7 recites, among other things, the following feature: “wherein said internet protocol security service unit and said management server are configured to use a local communication channel for communications between said internet protocol security service unit and said management server.” Claim 17, although of different scope, includes a similar feature.

In contrast, Leung teaches a method for authenticating a mobile node when moving between different network segments on the internet. The Examiner acknowledges that Leung fails to disclose a local communication channel between an internet protocol security service unit and a management server. To cure this deficiency of Leung, the Examiner gives Official Notice that it is well-known in the art to implement computer connections using a local network. Applicants disagree and submit that it would not have been well-know to configure an internet protocol security service unit and a management server, much less “wherein said internet protocol security service unit and said management server are configured to use a local communication channel for communications between said internet protocol security service unit and said management server,” as recited in claims 7 and 17. Office Action, page 8. Applicants request concrete evidence in the record to support the taking of Official Notice or, if the Examiner is relying on personal knowledge to support the finding of what is known in the art, provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding, as required by M.P.E.P 2144.03 and 37 CFR 1.104(d)(2). Absent such evidence of support, the rejection of claims 7 and 17 under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

**CONCLUSION**

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge any additional claim fees and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 39700-606001US/NC39911US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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